

1 **Mark E. Haddad (SBN 205945)**  
2 **mhaddad@sidley.com**  
3 **Douglas A. Axel (SBN 173814)**  
4 **daxel@sidley.com**  
5 **SIDLEY AUSTIN LLP**  
6 **555 West Fifth Street, Suite 4000**  
7 **Los Angeles, California 90013**  
8 **Telephone: (213) 896-6000**  
9 **Facsimile: (213) 896-6600**

10 **Robert B. Martin III (SBN 235489)**  
11 **rbmartin@sidley.com**  
12 **Naomi A. Igra (SBN 269095)**  
13 **nigra@sidley.com**  
14 **R. Van Swearingen (SBN 259809)**  
15 **vswearingen@sidley.com**  
16 **SIDLEY AUSTIN LLP**  
17 **555 California Street**  
18 **San Francisco, California 94104**  
19 **Telephone: (415) 772-1200**  
20 **Facsimile: (415) 772-7400**

21 **Attorneys for Defendant**  
22 **W. SCOTT HARKONEN**

23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748  
749  
750  
751  
752  
753  
754  
755  
756  
757  
758  
759  
760  
761  
762  
763  
764  
765  
766  
767  
768  
769  
770  
771  
772  
773  
774  
775  
776  
777  
778  
779  
7710  
7711  
7712  
7713  
7714  
7715  
7716  
7717  
7718  
7719  
7720  
7721  
7722  
7723  
7724  
7725  
7726  
7727  
7728  
7729  
7730  
7731  
7732  
7733  
7734  
7735  
7736  
7737  
7738  
7739  
7740  
7741  
7742  
7743  
7744  
7745  
7746  
7747  
7748  
7749  
7750  
7751  
7752  
7753  
7754  
7755  
7756  
7757  
7758  
7759  
7760  
7761  
7762  
7763  
7764  
7765  
7766  
7767  
7768  
7769  
7770  
7771  
7772  
7773  
7774  
7775  
7776  
7777  
7778  
7779  
7780  
7781  
7782  
7783  
7784  
7785  
7786  
7787  
7788  
7789  
7790  
7791  
7792  
7793  
7794  
7795  
7796  
7797  
7798  
7799  
77100  
77101  
77102  
77103  
77104  
77105  
77106  
77107  
77108  
77109  
77110  
77111  
77112  
77113  
77114  
77115  
77116  
77117  
77118  
77119  
77120  
77121  
77122  
77123  
77124  
77125  
77126  
77127  
77128  
77129  
77130  
77131  
77132  
77133  
77134  
77135  
77136  
77137  
77138  
77139  
77140  
77141  
77142  
77143  
77144  
77145  
77146  
77147  
77148  
77149  
77150  
77151  
77152  
77153  
77154  
77155  
77156  
77157  
77158  
77159  
77160  
77161  
77162  
77163  
77164  
77165  
77166  
77167  
77168  
77169  
77170  
77171  
77172  
77173  
77174  
77175  
77176  
77177  
77178  
77179  
77180  
77181  
77182  
77183  
77184  
77185  
77186  
77187  
77188  
77189  
77190  
77191  
77192  
77193  
77194  
77195  
77196  
77197  
77198  
77199  
77200  
77201  
77202  
77203  
77204  
77205  
77206  
77207  
77208  
77209  
77210  
77211  
77212  
77213  
77214  
77215  
77216  
77217  
77218  
77219  
77220  
77221  
77222  
77223  
77224  
77225  
77226  
77227  
77228  
77229  
77230  
77231  
77232  
77233  
77234  
77235  
77236  
77237  
77238  
77239  
77240  
77241  
77242  
77243  
77244  
77245  
77246  
77247  
77248  
77249  
77250  
77251  
77252  
77253  
77254  
77255  
77256  
77257  
77258  
77259  
77260  
77261  
77262  
77263  
77264  
77265  
77266  
77267  
77268  
77269  
77270  
77271  
77272  
77273  
77274  
77275  
77276  
77277  
77278  
77279  
77280  
77281  
77282  
77283  
77284  
77285  
77286  
77287  
77288  
77289  
77290  
77291  
77292  
77293  
77294  
77295  
77296  
77297  
77298  
77299  
77300  
77301  
77302  
77303  
77304  
77305  
77306  
77307  
77308  
77309  
77310  
77311  
77312  
77313  
77314  
77315  
77316  
77317  
77318  
77319  
77320  
77321  
77322  
77323  
77324  
77325  
77326  
77327  
77328  
77329  
77330  
77331  
77332  
77333  
77334  
77335  
77336  
77337  
77338  
77339  
77340  
77341  
77342  
77343  
77344  
77345  
77346  
77347  
77348  
77349  
77350  
77351  
77352  
77353  
77354  
77355  
77356  
77357  
77358  
77359  
77360  
77361  
77362  
77363  
77364  
77365  
77366  
77367  
77368  
77369  
77370  
77371  
77372  
77373  
77374  
77375  
77376  
77377  
77378  
77379  
77380  
77381  
77382  
77383  
77384  
77385  
77386  
77387  
77388  
77389  
77390  
77391  
77392  
77393  
77394  
77395  
77396  
77397  
77398  
77399  
77400  
77401  
77402  
77403  
77404  
77405  
77406  
77407  
77408  
77409  
77410  
77411  
77412  
77413  
77414  
77415  
77416  
77417  
77418  
77419  
77420  
77421  
77422  
77423  
77424  
77425  
77426  
77427  
77428  
77429  
77430  
77431  
77432  
77433  
77434  
77435  
77436  
77437  
77438  
77439  
77440  
77441  
77442  
77443  
77444  
77445  
77446  
77447  
77448  
77449  
77450  
77451  
77452  
77453  
77454  
77455  
77456  
77457  
77458  
77459  
77460  
77461  
77462  
77463  
77464  
77465  
77466  
77467  
77468  
77469  
77470  
77471  
77472  
77473  
77474  
77475  
77476  
77477  
77478  
77479  
77480  
77481  
77482  
77483  
77484  
77485  
77486  
77487  
77488  
77489  
77490  
77491  
77492  
77493  
77494  
77495  
77496  
77497  
77498  
77499  
77500  
77501  
77502  
77503  
77504  
77505  
77506  
77507  
77508  
77509  
77510  
77511  
77512  
77513  
77514  
77515  
77516  
77517  
77518  
77519  
77520  
77521  
77522  
77523  
77524  
77525  
77526  
77527  
77528  
77529  
77530  
77531  
77532  
77533  
77534  
77535  
77536  
77537  
77538  
77539  
77540  
77541  
77542  
77543  
77544  
77545  
77546  
77547  
77548  
77549  
77550  
77551  
77552  
77553  
77554  
77555  
77556  
77557  
77558  
77559  
77560  
77561  
77562  
77563  
77564  
77565  
77566  
77567  
77568  
77569  
77570  
77571  
77572  
77573  
77574  
77575  
77576  
77577  
77578  
77579  
77580  
77581  
77582  
77583  
77584  
77585  
77586  
77587  
77588  
77589  
77590  
77591  
77592  
77593  
77594  
77595  
77596  
77597  
77598  
77599  
77600  
77601  
77602  
77603  
77604  
77605  
77606  
77607  
77608  
77609  
77610  
77611  
77612  
77613  
77614  
77615  
77616  
77617  
77618  
77619  
77620  
77621  
77622  
77623  
77624  
77625  
77626  
77627  
77628  
77629  
77630  
77631  
77632  
77633  
77634  
77635  
77636  
77637  
77638  
77639  
77640  
77641  
77642  
77643  
77644  
77645  
77646  
77647  
77648  
77649  
77650  
77651  
77652  
77653  
77654  
77655  
77656  
77657  
77658  
77659  
77660  
77661  
77662  
77663  
77664  
77665  
77666  
77667  
77668  
77669  
77670  
77671  
77672  
77673  
77674  
77675  
77676  
77677  
77678  
77679  
77680  
77681  
77682  
77683  
77684  
77685  
77686  
77687  
77688  
77689  
77690  
77691  
77692  
77693  
77694  
77695  
77696  
77697  
77698  
77699  
77700  
77701  
77702  
77703  
77704  
77705  
77706  
77707  
77708  
77709  
77710  
77711  
77712  
77713  
77714  
77715  
77716  
77717  
77718  
77719  
77720  
77721  
77722  
77723  
77724  
77725  
77726  
77727  
77728  
77729  
77730  
77731  
77732  
77733  
77734  
77735  
77736  
77737  
77738  
77739  
77740  
77741  
77742  
77743  
77744  
77745  
77746  
77747  
77748  
77749  
77750  
77751  
77752  
77753  
77754  
77755  
77756  
77757  
77758  
77759  
77760  
77761  
77762  
77763  
77764  
77765  
77766  
77767  
77768  
77769  
77770  
77771  
77772  
77773  
77774  
77775  
77776  
77777  
77778  
77779  
77780  
77781  
77782  
77783  
77784  
77785  
77786  
77787  
77788  
77789  
77790  
77791  
77792  
77793  
77794  
77795  
77796  
77797  
77798  
77799  
777100  
777101  
777102  
777103  
777104  
777105  
777106  
777107  
777108  
777109  
777110  
777111  
777112  
777113  
777114  
777115  
777116  
777117  
777118  
777119  
777120  
777121  
777122  
777123  
777124  
777125  
777126  
777127  
777128  
777129  
777130  
777131  
777132  
777133  
777134  
777135  
777136  
777137  
777138  
777139  
777140  
777141  
777142  
777143  
777144  
777145  
777146  
777147  
777148  
777149  
777150  
777151  
777152  
777153  
777154  
777155  
777156  
777157  
777158  
777159  
777160  
777161  
777162  
777163  
777164  
777165  
777166  
777167  
777168  
777169  
777170  
777171  
777172  
777173  
777174  
777175  
777176  
777177  
777178  
777179  
777180  
777181  
777182  
777183  
777184  
777185  
777186  
777187  
777188  
777189  
777190  
777191  
777192  
777193  
777194  
777195  
777196  
777197  
777198  
777199  
777200  
777201  
777202  
777203  
777204  
777205  
777206  
777207  
777208  
777209  
777210  
777211  
777212  
777213  
777214  
777215  
777216  
777217  
777218  
777219  
777220  
777221  
777222  
777223  
777224  
777225  
777226  
777227  
777228  
777229  
777230  
777231  
777232  
777233  
777234  
777235  
777236  
777237  
777238  
777239  
777240  
777241  
777242  
777243  
777244  
777245  
777246  
777247  
777248  
777249  
777250  
777251  
777252  
777253  
777254  
777255  
777256  
777257  
777258  
777259  
777260  
777261  
777262  
777263  
777264  
777265  
777266  
777267  
777268  
777269  
777270  
777271  
777272  
777273  
777274  
777275  
777276  
777277  
777278  
777279  
777280  
777281  
777282  
777283  
777284  
777285  
777286  
777287  
777288  
777289  
777290  
777291  
777292  
777293  
777294  
777295  
777296  
777297  
777298  
777299  
7773

## STIPULATION

WHEREAS, on March 10, 2011, the Court set April 1, 2011 at 2:30 p.m. as the hearing date for Defendant W. Scott Harkonen's Motion for New Trial Due to Brady Violation ("Brady Motion"); his Motion for New Trial Under Rule 33 for Newly Discovered Evidence, Including the Brief of the United States in *Matrixx Initiatives Inc. v. Siracusano* ("Matrixx Motion"); and for sentencing (ECF 346);

WHEREAS, on March 29, 2011, the Court continued the April 1, 2011 motions hearing and sentencing until April 8, 2011 at 2:30 p.m. (ECF 354);

WHEREAS, lead counsel for Dr. Harkonen has a pre-existing and long-planned trip with his daughter on April 8, 2011, to tour universities on the east coast over her spring break, and as such is not available for the hearing as set by the Court;

WHEREAS, counsel for Dr. Harkonen and the United States have met and conferred regarding the scheduling conflict, and counsel for the United States has agreed to join in a stipulation for a further continuance of the motions hearing and sentencing until April 13, 2011 at 10:00 a.m.;

WHEREAS, counsel for the United States conferred with Ms. Sara Rizor Black, the Probation Officer assigned to this matter from the U.S. Probation Office, who stated that she is available for the proposed April 13, 2011 hearing date at 10:00 a.m.;

WHEREAS, the parties have consulted the Court's calendar posted on its website, which does not show any scheduling conflict for the proposed April 13, 2011 hearing date;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, subject to approval of the Court, that the motions hearing and sentencing, currently on calendar for April 8, 2011, are rescheduled to April 13, 2011 at 10:00 a.m.

11

24 //

25 //

26 //

27 //

28 //

1 Respectfully submitted,

2 Dated: March 30, 2011

3 SIDLEY AUSTIN LLP

4

5 By: /s/ Mark E. Haddad  
6 Mark E. Haddad

7 Attorneys for Defendant  
8 W. SCOTT HARKONEN

9 Dated: March 30, 2011

10 BRIAN J. STRETCH  
11 Acting United States Attorney

12 By: /s/ Kyle Waldinger  
13 Kyle Waldinger  
14 Assistant United States Attorney

15 **SIGNATURE ATTESTATION**

16 I am the ECF User whose identification and password are being used to file the  
17 foregoing Stipulation and [Proposed] Order. In compliance with General Order 45.X.B., I hereby  
18 attest that the other signatory has concurred in this filing.

19 Dated: March 30, 2011

20 SIDLEY AUSTIN LLP

21 By: /s/ Mark E. Haddad  
22 Mark E. Haddad

23 Attorneys for Defendant  
24 W. SCOTT HARKONEN

## [PROPOSED] ORDER

Upon stipulation of the parties, and good cause appearing, the motions hearing and sentencing, currently on calendar for April 8, 2011, are rescheduled to April 13, 2011 at 10:00 a.m.

**IT IS SO ORDERED.**

Dated: March 31, 2011

